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Inc., Willy C. Shih, Teresa H. Meng,  
Craig H. Barratt, Andrew S. Rappaport, Dan A. Artusi,  
Charles E. Harris, Marshall L. Mohr, and Christine King

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**SAN JOSE DIVISION**

JOEL KRIEGER, Individually and on Behalf )  
of All Others Similarly Situated, )  
Plaintiff, )  
vs. )  
ATHEROS COMMUNICATIONS, INC., )  
DR. WILLY C. SHIH, DR. TERESA H. )  
MENG, DR. CRAIG H. BARRATT, )  
ANDREW S. RAPPAPORT, DAN A. )  
ARTUSI, CHARLES E. HARRIS, )  
MARSHALL L. MOHR, CHRISTINE )  
KING, QUALCOMM INCORPORATED, )  
AND T MERGER SUB, INC. )  
Defendants. )

No. 5:11-CV-00640-LHK

**CLASS ACTION**

STIPULATION AND ~~PROPOSED~~  
ORDER FOR DISMISSAL OF  
ACTION

Judge: Hon. Lucy H. Koh  
Date Action Filed: February 10, 2011

IT IS HEREBY STIPULATED, by and between plaintiff Joel Krieger (“Plaintiff”) and defendants Atheros Communications, Inc. (“Atheros”), Craig H. Barratt, Willy C. Shih, Andrew S. Rappaport, Daniel A. Artusi, Charles E. Harris, Marshall L. Mohr, Christine King, Teresa H. Meng, Qualcomm Incorporated (“Qualcomm”), and T Merger Sub, Inc. (collectively, “Defendants”), through their respective counsel of record, as follows:

WHEREAS, on February 10, 2011, Plaintiff, individually and on behalf of all others similarly situated, filed a Class Action Complaint for Breach of Fiduciary Duty and Individual Claims for Violation Of Sections 14(a) and (e) and 20(a) of the Securities Exchange Act 1934, challenging the proposed acquisition of Atheros by Qualcomm and disclosures relating thereto;

WHEREAS, on June 30, 2011, Plaintiff, individually and on behalf of all others similarly situated, filed a First Amended Class Action Complaint for Violations of Sections 14(a) and 20(a) of the Securities Exchange Act of 1934;

WHEREAS, by order dated December 12, 2011, the Court appointed Plaintiff as the lead plaintiff in this action and approved Plaintiff’s selection of Faruqi & Faruqi, LLP as lead counsel;

WHEREAS, by order dated May 29, 2012, the Court granted Defendants’ motions to dismiss the First Amended Complaint, dismissing Plaintiff’s equitable claim for attorneys’ fees and expenses with prejudice, dismissing Plaintiff’s claims under Section 14(a) and 20(a) of the Securities Exchange Act without prejudice, and granting leave to Plaintiff to file an amended complaint that addresses the pleading deficiencies identified in the order by June 21, 2012;

WHEREAS, after considering the May 29, 2012 order Plaintiff and his counsel have determined not to file an amended complaint;

WHEREAS, the parties to this action have determined that dismissal of this action with prejudice is appropriate at this time with each side to bear its own fees and costs.

NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned counsel, subject to approval of the Court, as follows:



**ORDER**

PURSUANT TO STIPULATION, IT IS SO ORDERED. The Clerk shall close the file.

Dated: June 13, 2012



THE HONORABLE LUCY H. KOH